

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

**CHASE DEAKLE and ROBERT STEPHENS,
Each Individually and on Behalf of All
Others Similarly Situated**

PLAINTIFFS

vs.

No. 1:22-cv-476-CG-N

GRAYSON AIR CONDITIONING, INC.

DEFENDANT

DECLARATION OF ATTORNEY JOSH SANFORD

Pursuant to 28 U.S.C. § 1746, Josh Sanford declares, subject to the penalties for perjury, as follows:

1. My name is Josh Sanford, and I am over the age of 18 and duly qualified to execute this Declaration and to swear to the accuracy of the facts herein contained.

2. I am an attorney licensed and in good standing in the State of Arkansas. I practice law with the law firm of Sanford Law Firm, PLLC (hereinafter “Sanford Law Firm”), which is located in Little Rock, which I founded in Russellville in 2001. I opened an office in Little Rock in 2009 and where I predominantly practiced in the Arkansas District Courts and the Western District of Texas.

3. I practice law full-time, and I manage the other attorneys in the Sanford Law Firm. See “Team,” Sanford Law Firm, <https://www.sanfordlawfirm.com/team/> (last viewed August 21, 2023).

4. In 2005, I was voted “Best Attorney” (tie) in a readers’ poll published by *The Courier* in Russellville, Arkansas. Subsequently, in 2008, I served as the President of the Pope County Bar Association. In addition, I am or have been a member of the American,

Arkansas, and Pope County Bar Associations, the Arkansas Trial Lawyers Association and the National Employment Lawyers Association.

5. I am licensed to practice law in all state and federal courts in the States of Arkansas, Colorado and Texas. I am also actively engaged in appellate practice. I have handled cases before almost all county Circuit Courts in the Central and River Valley regions of Arkansas, the United States District Courts for the Eastern and Western Districts of Arkansas, the United States District Courts for the Eastern, Southern, Northern and Western Districts of Texas, United States District Court for the Northern District of Oklahoma, United States District Court for the Southern District of Ohio, the United States District Court for the District of Colorado, the United States District Court for the Eastern District of Michigan, the District Court of Nebraska, the United States District Court for the District of Oregon, and the Fifth, Sixth and Eighth Circuit Courts of Appeals—as well as several other district courts.

6. In the course of my law practice, I engage in a significant amount of wage and hour litigation—specifically cases arising under the Fair Labor Standards Act (FLSA) and the comparable Arkansas Minimum Wage Act (AMWA). A significant portion of my case load has been in various federal courts around the United States, including trial work in cases arising under Title VII of the Civil Rights Act of 1964, the Equal Pay Act, the FLSA, and the Family and Medical Leave Act.

7. Sanford Law Firm has been recognized as being the premier prosecutor of wage theft violation cases in all federal courts across the United States. <https://unicourt.com/blog/us-district-courts-labor-litigation-2020/> (last visited August 21, 2023).

8. There is no group of attorneys within 600 miles of Mobile, Alabama who have experience comparable to Sanford Law Firm in wage litigation. Including cases currently being prosecuted throughout the country today, Sanford Law Firm has prosecuted over 1,300 wage cases in federal and state courts and in arbitration proceedings. In 2018, only one firm in the United States initiated more wage violation prosecutions than Sanford Law Firm. In 2020, as noted above, Sanford Law Firm ranked first.

9. I have been lead counsel on numerous wage and hour cases filed in United States District Courts throughout the nation, including the following: *Jeffery Laird v. Jiya Jeel, LLC, et al.*, 1:22-cv-259-KD (S.D. Ala.); *Craig Lyons, et al. v. Con Agra*, 4:12-cv-245-JM (E.D. Ark.) (over 790 plaintiffs); *Keyli Cruthis, et al. v. Visions, et al.*, 4:12-cv-244-KGB (E.D. Ark.); *James Finley v. Universal Pressure Pumping, Inc.*, SA:12-ca-0654-OG (Western District of Texas); *Michael Alexander v. Hahn Appliance Center, Inc.*, 12-CV-257-CVE-TWL (N.D. Okla.); *Chad Lochridge, et al. v. Lindsey Management, et al.*, 5:12-CV-5047-JLH (W.D. Ark.); *Bill Hollomon, et al. v. AT&T Mobility Services, LLC*, 4:11-cv-600-BRW (E.D. Ark.); *Jeffrey Bacon, et al. v. Eaton Aeroquip, LLC*, 2:11-cv-14103-GD (E.D. Mich.); *Karen "Kay" Roland v. Sharp County Post 336, et al.*, 1:11-CV-85-DPM (E.D. Ark.); *Bennie Watson, et al. v. Surf-Frac Wellhead Equipment Company, Inc.*, 4:11-CV-843 (JLH) (E.D. Ark.); *Robert Terry, et al. v. City of Ola*, 4:11-cv-11-645 (JLH) (E.D. Ark.); *Donald Bateman, et al. v. Frac Tech Services, LLC*, 6:11-cv-708 (E.D. Tex.); *Kalie Brown, et al. v. Barney's Barn, Inc., d/b/a/ Peaches Gentlemen's Club*, 4:11-cv-224 (SWW) (E.D. Ark.); *Jason Phillips v. Oil Patch Water and Sewer Services, LLC, et al.*, 4:11-cv-776 (JLH) (E.D. Ark.); *David Delock, et al. v. Securitas Security Services USA, et al.*, 4:11-

CV-520 (DPM) (E.D. Ark.); *Karen Springs, et al. v. First Student, Inc.*, 4:11-CV-00240 (BSM) (E.D. Ark.), and many others.

10. Since January of 2015, Sanford Law Firm has filed and prosecuted over 1,100 distinct wage lawsuits throughout Arkansas and Texas. We have also filed cases in Ohio, Kentucky, Tennessee, North Carolina, South Carolina, Florida, Georgia, Alabama, Mississippi, Louisiana, Missouri and Illinois. Many of these lawsuits are or were group or collective actions, as well as several class actions under Rule 23.

11. Collectively, cases filed by the Sanford Law Firm since 2009 have resulted in more than \$13,000,000.00 in settlements and judgments for wage and hour violations for more than three thousand clients across the nation.

12. For rates appropriate to the Southern District of Alabama, I relied on national surveys and reviews of Eleventh Circuit hourly rate awards, supported by the experience of the individual billers. I acknowledge that these rates are higher than what has been awarded in recent orders from some Courts in the Southern Division. See *Nail v. Shipp*, 2020 U.S. Dist. LEXIS 59079, *10-12 (awarding from \$150 to \$350 per hour for attorneys, and \$75 per hour for paralegals). See also *Troxel v. Gunite Pros, LLC*, 2022 U.S. Dist. LEXIS 218320, *7 (holding \$350 to be reasonable for Josh Sanford). However, these rates are long overdue for reconsideration. These same rates have been used for at least the past 10 years. See *Decorative Inc. v. Icon Computing Solutions, Inc.*, 2012 U.S. Dist. LEXIS 157450, *16-18 (finding reasonable hourly rates charged by Mobile attorneys to be between \$150 and \$350).

13. Based on my experience and knowledge, the rates charged by Sanford Law Firm's attorneys, as reflected in the below chart, are reasonable. The rates are reflective

of the number of years each attorney has practiced, the attorneys' expertise in employment issues such as the FLSA, the contingent nature of an award of fees, and the rates charged by other attorneys specializing in FLSA work. The staff time and hourly rate for the Sanford Law Firm below are likewise reasonable and comparable.

14. Using rates consistent with the Court in *Laird*, individual billing in this case is summarized below:

| Billed By | Years in Practice | Rate | Time | Value |
|------------------------|--------------------------|-------------|-------------|--------------|
| Anna Stiritz | 31 | \$400.00 | 0.3 | \$120.00 |
| Laura Edmondson | 2 | \$200.00 | 15.8 | \$3,160.00 |
| Stacy Gibson | 9 | \$300.00 | 2.2 | \$660.00 |
| Josh Sanford | 22 | \$400.00 | 3.8 | \$1,520.00 |
| Karolina Viehe | 4 | \$200.00 | 1 | \$200.00 |
| Colby Qualls | 3 | \$200.00 | 18.9 | \$3,780.00 |
| Samuel Brown | 3 | \$200.00 | 1.8 | \$360.00 |
| Law Clerk | N/A | \$100.00 | 1.6 | \$160.00 |
| Staff | N/A | \$100.00 | 5.8 | \$580.00 |
| Paralegal | N/A | \$100.00 | 9.9 | \$990.00 |
| Grand Total | | | | \$11,530.00 |

15. Each attorney's hourly rates are supported by their skills and experience, which are described more thoroughly below:

- a. Attorney Anna Stiritz is a 1991 graduate of the University of Arkansas at Little Rock (UALR), William H. Bowen School of Law. Ms. Stiritz received her undergraduate degree from Wheaton College in 1989. Ms. Stiritz initially focused her practice on adoption-related cases as well as dependency-neglect cases in juvenile court, but has since focused her practice on the Sanford Law Firm's employment practice, including an emphasis on assessing employee claims and managing and coordinating with class members in the firm's FLSA-based collective actions.
- b. Attorney Laura Edmondson obtained her law degree from the University of Arkansas School of Law in Fayetteville, Arkansas, graduating Magna Cum Laude in 2021. During her final year in law school, Ms. Edmondson served as Executive Editor of the Journal of Food Law & Policy, and also clerked at several law firms around Little Rock Arkansas, including Sanford Law

Firm. Ms. Edmondson also volunteered at Legal Aid of Arkansas in Springdale, Arkansas, where she received the Outstanding Volunteer Student Attorney Award in 2020. While at the Sanford Law Firm, Ms. Edmondson's practice focused on employment litigation, particularly the Fair Labor Standards Act (FLSA) and Arkansas Minimum Wage Act (AMWA) litigation.

- c. Attorney Stacy Gibson graduated cum laude from the University of Arkansas School of Law in 2014. While attending law school, Ms. Gibson was a Note and Comment Editor for the Journal of Food Law & Policy. Ms. Gibson litigated family law, probate, and general civil matters throughout the state before focusing her practice on FLSA cases. She has served as co-counsel on numerous single-plaintiff and collective action FLSA cases in Arkansas district courts and in arbitration, as well as served as lead counsel in a collective action for a group of 189 plaintiffs in the Southern District of Mississippi. She has litigated several FLSA cases for law enforcement officers, including this one. Ms. Gibson is a member of the Arkansas Trial Lawyers Association. Ms. Gibson has worked on hundreds of wage cases.
- d. Attorney Karolina Viehe graduated magna cum laude from Valparaiso University School of Law in 2012. Ms. Viehe was an Honors Program Participant. Her practice focuses primarily on employment law, including the FLSA. While attending law school, Ms. Viehe served as the President of Amnesty International Association and was a member of the Intellectual Property Law Association. Also as a law student, Ms. Viehe served as the Judicial Extern for the Honorable Magistrate Judge William G. Hussmann of the U.S. District Court for the Southern District of Indiana and as Certified Legal Intern for the Vanderburgh County Prosecutor's Office.
- e. Attorney Colby Qualls graduated from the University of Central Arkansas ("UCA"), Summa Cum Laude, in 2015 with a B.A. in Political Science and Sociology. After graduating from UCA, he attended the William H. Bowen School of Law and the Clinton School of Public Service to pursue concurrently a law degree and Master of Public Service. While attending law school, he served on the UA Little Rock Law Review Editorial Board and the Bowen Competition Trial Team, and he earned a Top Paper Award, among other classes, in Employment Law. Mr. Qualls was admitted to practice in the State of Arkansas in 2019. Prior to joining Sanford Law Firm, Mr. Qualls clerked for a superior court judge in Anchorage, Alaska. He moved back to Arkansas in early 2020, where he practiced civil litigation in Little Rock. His practice with Sanford Law Firm focused on employment litigation, particularly the Fair Labor Standards Act (FLSA) and Arkansas Minimum Wage Act (AMWA) litigation.
- f. Attorney Samuel Brown graduated cum laude from the University of Arkansas at Little Rock, William H. Bowen School of Law in 2020. He joined Sanford Law Firm that fall. During law school, Mr. Brown clerked at several law firms as well as the Arkansas Municipal League. Mr. Brown also

completed an externship with the Honorable Magistrate Judge Beth Deere in the Eastern District of Arkansas. Mr. Brown's practice has focused exclusively on employment matters, and largely consists of settlements in wage and hour cases under the FLSA. Mr. Brown capably administers and finalizes several FLSA wage case settlements per week.

16. The Sanford Law Firm's work focuses on representing workers in employment matters, and its lawyers focus their practices in the area of the FLSA and similar wage-and-hour cases. In the community of attorneys who focus their practice in this area of the law, the Sanford Law Firm has a strong reputation for its quality of work and diligent representation of its clients.

17. The lawyers at the Sanford Law Firm often have opportunities for greater responsibility and experience than many of their peers in the legal community with the same years of experience practicing law. What I mean by this is that because of the management style at the Sanford Law Firm, lesser-experienced attorneys are able to independently manage their own cases with the oversight of more experienced attorneys and are supported by a firm culture of collaboration and accessibility to all Sanford Law Firm attorneys. Lesser-experienced attorneys with Sanford Law Firm find themselves effectively navigating litigation with far more experienced opposing counsel, as well as successfully taking on far more responsibility than many of their peers of equal experience at other law firms.

18. Due to this culture of personal responsibility, conferences between attorneys of differing levels of experience ensure that less experienced attorneys receive the benefits of the skills and knowledge of more experienced attorneys.

19. Sanford Law Firm represented Plaintiff in this case on a contingency basis and paid all out-of-pocket costs, including filing and service fees, without any assurances

that fees or costs would be recovered. Not only is there no guarantee that any fees and costs will be recovered in a contingency fee case, but any recovery made will be delayed as compared to clients who make up-front or monthly payments as litigation proceeds. In contingency fee cases, an attorney is not paid for months or even years, depending on how long it takes for litigation to conclude.

20. This type of work is time-consuming and rigorous, and the amount of time spent by our firm at each step in this case is reasonable. It is not uncommon in the course of my practice for clients with similar cases to incur attorney's fees that are as much as or more than those in this case.

21. The request for attorney's fees and costs is based upon contemporaneous time and expense records maintained by Sanford Law Firm as a matter of ordinary and customary business practice. The time and billing records identify the amount of time expended, the tasks performed, the rate of the particular timekeeper involved, and the costs incurred. A true and accurate copy of a spreadsheet (hereinafter "Billing Spreadsheet") reflecting relevant legal services rendered and time expended on this case through August 21, 2023, is attached to the Joint Motion for Approval of Settlement as Exhibit 4.

22. In order to protect the attorney-client relationship and privilege, entries in the Billing Spreadsheet that reveal the substance of conversations with clients or other privileged information have the substantive portions removed and replaced with the phrase "REDACTED." However, the replaced language has been preserved and can be produced for in camera review if this Court believes that such a review is necessary in order to award fees related to these entries.

23. The work reflected in the Billing Spreadsheet was necessary to the successful resolution of this matter; the hours expended were actually expended on the topics stated; the time spent on each task was reasonable; and the rates claimed are also reasonable.

24. Where appropriate, Sanford Law Firm attorneys delegate work to paralegals, law clerks and staff. The hourly rates charged for Sanford Law Firm's paralegals, law clerks and staff are reasonable. The work performed by support staff members in this case was necessary to the litigation and the time spent on those tasks was reasonable.

25. In addition, court costs and recoverable expenses were also incurred in this matter. These costs, totaling \$696.00, are included at the end of the Billing Spreadsheet attached to the Renewed Joint Motion to Approve Settlement and for Dismissal with Prejudice as Exhibit 4. The amount of the costs requested is correct. The costs stated were necessarily incurred during the case, the services giving rise to the costs were actually and necessarily performed.

PURSUANT TO 28 U.S.C. § 1746, I VERIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on this 24th day of August, 2023.

/s/ Josh Sanford
JOSH SANFORD